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ABSTRACT

Two libel cases have set the precedent for recent libel decisions: "The New York Times Co. v. Sullivan" (1964) and Gertz v. Robert Welch Inc." (1974). In the "Times" decision, the Supreme Court ruled that the Constitution's freedom of speech and press protects "all that is said about a public official in his public conduct except the malicious" even when there are errors of fact. The malice provision, meaning a deliberate falsehood or reckless disregard for the truth, has been applied often, but sometimes confusingly. Since the "Times" ruling, defining a "public figure" has proven especially difficult, although "Gertz" did help by deciding that the focus should be not on the subject but on the plaintiff and that private persons libeled did not have to prove actual malice. The tendency since "Gertz" has been to sharply narrow the definition of a public figure. Even businesses have been declared "private persons" who have to prove a much less rigorous test of libel--simple negligence. In these cases, the determining factor of a person's status has been whether the individual thrusts himself voluntarily into a public controversy to influence its outcome. These balancing acts by the courts have been both a blessing and a curse to journalists who must look carefully at a person's conduct as outlined in "Times" and "Gertz" to guess at a person's status. (JL)

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The Evolution of Libel Law:
Who Must Prove What -- And Why

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The evolution of libel law has been a long and complicated process. It began in the common laws as a procedure for settling personal disputes, insults, rumors. Some states eventually made libel into statutory laws; others codified it. Accordingly, it differs greatly from state to state as to who must prove what kind of fault.

Two libel cases have set the precedent for recent libel decisions: The New York Times Co. v. Sullivan (1964) and Gertz v. Robert Welch Inc. (1974). From these cases we get our definitions of public officials and public figures.

This discussion will focus on the Times and Gertz cases plus other cases that have determined who is a public official, public figure, and private individual.

I. PUBLIC OFFICIALS

The grandfather of libel cases -- The New York Times Co. v. Sullivan -- laid down the first layer of protection to news media involved in suits with public persons. The so-called New York Times rule of 1964 says that public officials suing for defamatory words about their public acts must prove actual malice.

This landmark case stemmed from an editorial advertisement in the Times that was written and paid for by the Committee to Defend Martin Luther King and the Struggle for Freedom in the South. Five libel suits resulted, including one filed by L.B. Sullivan, commissioner of public affairs in Montgomery, Ala. Although he was not named in the advertisement, Sullivan claimed that the word "police" in the paragraph on Montgomery referred to him.¹ Enhancing Sullivan's case was the fact that several of the statements in the ad were inaccurate. A trial jury ruled that Sullivan had been libeled and awarded him \$500,000. This judgment was upheld by the Alabama Supreme Court.

The United States Supreme Court, however, reversed the decision, holding that the Constitution's guarantee of freedom of speech and press protects "all that is said about a public official in his public conduct except the malicious."² The court said factual errors do not diminish this protection:

A rule compelling the critic of official conduct to guarantee the truth of all his factual assertions -- and to do so on pain of libel judgments virtually unlimited in amount -- leads to a ... 'self-censorship.'³

The need for free and open debate to inform the public must be weighed against the rights of the defamed public official, who, by virtue of his position, is open to public comment.

The Times decision was based on a Kansas case, Coleman v. MacLennan (1908), when the state attorney general sued over an allegedly libelous editorial. The Kansas Supreme Court established a conditional privilege protecting the dissemination of information of public interest concerning public officials. The ruling anticipated the Times case and its rationale by more than fifty years.⁴

Actual malice as set forth in the Times case has come to mean deliberate falsehood or a reckless disregard for the truth. The word continues to mean hostility and ill will in its tort-related sense in state libel law. At least one state court has questioned this part of the Times rule. In Corabi v. Curtis Publishing Co., the Pennsylvania Supreme Court ruled that a public figure acquitted of a burglary charge did not have to prove falsity in her libel suit against a magazine. The court ruled that requiring a public figure plaintiff to prove falsity to clear her reputation "is practically the opposite of what would occur at a criminal trial."⁵

The actual malice requirement has been applied not only to federal, state, and local officials, but also ex-officials and candidates. In Rosenblatt v. Baer, a former ski area supervisor in New Hampshire was ruled in 1966 to

be a public official by the U.S. Supreme Court, reversing the lower court's decision. The court held that the public official designation "applies at the very least to those among the hierarchy of government employees who have, or appear to the public to have, substantial responsibility for or control over the conduct of governmental affairs."⁶ The importance of the official's role "is vital in determining whether the Times rule governs."⁷

Others ruled as public officials include a senator running for re-election, state legislators, a deputy sheriff, a school board member, an appointed city tax assessor, a state legislative clerk, and a former federal narcotics agent.⁸

These cases have set a confusing precedent in defining public officials. Since 1979, courts have not been able to automatically assume that someone working for the government is a public official. Justices in Hutchinson v. Proxmire said that "public official" is not synonymous with "public employee."⁹ Applying this logic, state courts ruled that an engineering consultant to a municipality in Texas and a research consultant in a Fairfax County, Va., project were private -- not public figures. The lack of control over governmental affairs was the deciding factor in both cases. The media cannot assume that a consultant working for and paid by the government is a public figure unless he wields considerable authority over governmental policies.

Another lower court ruled against a public official plaintiff regarding editorial hyperbole and malice. In Pierce v. Capital Cities Communication Inc., Alfred Pierce, former commissioner of the Delaware River Port Authority, claimed he had been defamed by news reports run by a Philadelphia television station, WPVI. The U.S. District Court and the U.S. Court of Appeals in Philadelphia dismissed the suit, ruling that "the publication of hyperbole, even if caustic and irritating, cannot by itself support the inference that the (broadcaster) evidenced actual malice."¹⁰

II. PUBLIC FIGURES

"Defining public figures," remarked a judge, "is much like trying to nail a jellyfish to the wall."¹¹ In the 18 years after the Times decision, federal and state courts still struggle with this sticky task. It was easier after the landmark Gertz ruling in 1974, which was the culmination of 10 years of Supreme Court groundwork. However, as the later rulings in Time Inc. v. Firestone (1976), Wolston v. Reader's Digest (1979), and Hutchinson v. Proxmire (1979) indicate, the courts have sharply narrowed the definition of public figure.

Before Gertz, the courts were more concerned with the presence of a public issue than with the plaintiff's status. In the 1966 Rosenblatt case, Justice William O. Douglas wrote that the Times doctrine should be extended beyond public officials when a public issue is involved.

That year, Nobel Prize winner Dr. Linus Pauling was ruled to be a public figure and therefore had to prove malice in his suit against the St. Louis Globe-Democrat. Because Pauling was said to be "projecting himself into the arena of public controversy and ... was attempting to influence the resolution of an issue which was important," the U.S. District Court ruled that Pauling "should have no greater remedy than does his counterpart in public office."¹² The U.S. Supreme Court denied certiorari.

The nation's top court stepped into the public figure fray in two 1967 cases -- Associated Press v. Walker and Curtis Publishing Co. v. Butts. The first case involved an AP dispatch which said that Maj. Gen. Edwin A. Walker had led a violent crowd against federal marshals at the University of Mississippi. The second case arose from a story in the Saturday Evening Post that accused Wallace Butts, former athletic director at the University of Georgia, of conspiring with University of Alabama football coach Paul "Bear" Bryant to fix a game between the two schools.

The court decided both cases in the same opinion.¹³ Agreeing that both men were public figures, the court ruled that Walker should not recover damages from the AP because of the lack of actual malice. Butts, however, should recover damages because of actual malice -- the Post story was not "hot" news, and editors failed to thoroughly investigate the charges, said the court.

The court disagreed on what type of fault a public figure should show. Regarding Walker, Justice John M. Harlan said that a public figure should have an easier standard of proof than a public official. He defined this proof as showing "highly unreasonable conduct constituting an extreme departure" from responsible reporting standards.¹⁴

Chief Justice Earl Warren and three other justices rejected Harlan's easier proof, saying that many public figures play just as important a role in society as do public officials; the fault requirement should be the same for both.

The courts later went so far as to apply the actual malice requirement to private persons involved in matters of public interest. In doing so, the courts relied on Justice Douglas' Rosenblatt opinion that a person's status is immaterial. What is important is the presence of a public issue.

This rationale hurt the James Hill family in their privacy suit against Life magazine, which published an article concerning a play about a family held hostage by escaped convicts. In 1967 the U.S. Supreme Court ruled that the play was of public interest and that private citizen Hill would have to prove actual malice.

Likewise, in Rosenbloom v. Metromedia Inc (1971), the Supreme Court overturned a trial court decision that

awarded \$275,000 to George Rosenbloom, a distributor of nudist magazines in Philadelphia. Rosenbloom sued radio station WIP for broadcasting his arrest on charges of possessing obscene literature, charges of which he was later acquitted. In agreeing that Rosenbloom should not recover damages, the court developed the "matter of public interest" rationale as outlined by Justice William J.

Brennan:

If a matter is a subject of public or general interest, it cannot suddenly become less so merely because a private individual is involved, or because in some sense the individual did not 'voluntarily' choose to become involved.¹⁵

Three years later in Gertz, the Supreme Court rejected the Rosenbloom standard and decided that the focus should be not on the subject but on the plaintiff. Furthermore, the court ruled that requiring "private persons libeled in stories that were 'matters of public interest' to prove actual malice was not required by the Constitution."¹⁶

Elmer Gertz, a Chicago lawyer hired to bring a civil action against a policeman convicted of murder, sued the John Birch-oriented American Opinion for libel. A court of appeals ruled that Gertz would have to show actual malice because the story concerned a matter of public interest. Gertz appealed to the U.S. Supreme Court, which found him to be a private person.

Outlining its rejection of the Rosenbloom standard, the court said that private persons by their very nature deserve more protection in libel suits. Unlike public

officials and public figures, who have voluntarily exposed themselves to criticism, private individuals should be held to a less demanding fault -- negligence, rather than actual malice.¹⁷

Aside from calling for greater protection for private figures, the court also attempted to define public figures. The court first recognized all-purpose public figures, who enjoy instant recognition and fairly constant media exposure. Secondly, the court devised the "limited" public person test. In this category, a person voluntarily "injects himself" into a particular public controversy to influence its resolution. Also, the individual must play an important role "in the particular controversy giving rise to the defamation."¹⁸ This latter point has been crucial not only in Gertz but in the Wolston and Hutchinson cases. The court found that Gertz had played a minimal role in the controversy -- the policeman killing the boy -- giving rise to the defamation. Thus, he was a private person and had to prove negligence.

Although the Gertz decision provided the clearest definition yet as to who is a public figure, courts have since been accused of violating the spirit and rules of the case.

The Kansas Supreme Court ruled that someone need not be as well-known as Johnny Carson to be considered an all-purpose figure. In Steere v. Cupp, attorney Myron Steere sued over an Associated Press story. It said the Kansas State Board of Law Examiners had found that Steere had entered into a questionable agreement with a client -- she

would give Steere all but \$10,000 of her late husband's estate if she were acquitted. The trial court and the Kansas Supreme Court declared that while Steere was not a public figure for the limited purposes of the court, he was an all-purpose public figure "by virtue of his general fame in the community."¹⁹

The court justified this designation on the grounds that Steere had practiced law for several years in the community, had acted as county attorney and special counsel for the Board of County Commissioners.

The dissenting opinion expressed by Justice Miller illustrates the difficulties state courts have had in interpreting U.S. Supreme Court decisions: "To include Mr. Steere ... in the same classification as the Johnny Carsons and those whose names are subject to instant recognition by millions, seems absurd."²⁰ Similarly, another legal commentator felt that applying Gertz to important local persons "eviscerates both the meaning and the intent behind that decision" by upsetting "the delicate balance between public interests and individual rights drawn up by the Supreme Court in Gertz."²¹

In three later decisions, the U.S. Supreme Court tipped the balance in favor of individual rights, further delineating the limited public-person criteria. In Firestone v. Time Inc., the court declared in 1976 that a wealthy socialite involved in a highly publicized divorce case was a private person. Although Time argued that the divorce was a

public controversy, the court ruled that the divorce was an unimportant public question and that the plaintiff had not thrust herself into a public controversy.²²

Journalists were chagrined at this because divorce is a proceeding usually thought of as public. Similarly, Ilya Wolston, whose "fame" grew out of a public court proceeding, was declared a private individual by the Supreme Court in his 1979 suit against Reader's Digest. Convicted in 1958 of criminal contempt stemming from a grand jury investigation of espionage, Wolston was identified as a Soviet spy in a book by John Barron that was published by Reader's Digest. Wolston argued in the lower courts that he had been out of the public eye for 20 years and was no longer a public figure. The U.S. Supreme Court agreed 8-1.

Citing Gertz, the justices agreed that Wolston had been involuntarily dragged into the controversy, had not talked with journalists, and had "played only a minor role in whatever public controversy there may have been concerning the investigation of Soviet espionage."²³ The court also ruled that media attention alone does not boost a person into the public figure category. The justices said that Wolston could have been a limited public figure if he had invited the contempt citation "to create public discussion"²⁴ and had capitalized on the media attention.

Since Wolston had not sought attention and had returned to private life, he was ruled a private figure.

The court's finding that time could erase the public

figure designation was also established early in the James Hill privacy case, when a lower court judge said that time passage had dimmed public interest in the case and "the plaintiffs themselves avoided capitalizing on the occurrence."²⁵

The courts have also ruled that criminal suspects are not necessarily public figures. As in Firestone, the press balked at this because criminal trials are thought to involve public figures. Shortly after Wolston a federal district court in Virginia held that the defendant in a murder trial was a private person in her libel suit. Like Wolston, the plaintiff did not wield pervasive power and had not attracted attention in order to influence a public controversy.²⁶

But in a privacy suit filed in 1979 by an Attica prison inmate, a New York court ruled that he was a public person because of his 1976 pardon and his later indictment in 1978 for the murders of two Brooklyn police officers. The court said a public controversy -- seven gubernatorial pardons stemming from the Attica uprising -- was involved.

Thus, the Wolston case provided some important guidelines concerning time lapse and criminal activity. Not only must a limited public figure purposefully and voluntarily act, but the controversy must be legitimate; i.e., involving "issue that generate legitimate opposition or controversy within society as subjectively determined by the court involved."²⁷ Such a narrow definition helped

the courts eliminate the possibility of involuntary public figures.

The definition was further limited in Hutchinson v. Proxmire, which threw the media into a tailspin. By an 8-1 vote, the U.S. Supreme Court reversed the appellate court's decision and declared Dr. Ronald R. Hutchinson, director of research at the Kalamazoo State Mental Hospital in Michigan, to be a private person.

In April of 1975 Senator William Proxmire of Wisconsin awarded his "Golden Fleece of the Month" award to Hutchinson, who had received \$500,000 from the National Science Foundation, NASA, and the Office of Naval Research to study latent aggression in monkeys. Hutchinson sued for libel, claiming Proxmire's remarks were inaccurate and professionally damaging. The Supreme Court ruled that the researcher had not voluntarily thrust himself into the limelight and that his media access was de facto: "Those charged with defamation cannot, by their own conduct, create their own defense by making the claimant a public figure."²⁸ Receiving federal money was alone not enough to make Hutchinson a public figure, nor was the publicity surrounding his receipt of the fleece award.²⁹

A confusing pattern has developed in recent years as lower courts have tried to develop a workable public figure definition encompassing the subtleties of Gertz, Hutchinson, Firestone, and Wolston. For example, a privately owned ambulance service in a small community was declared a

public figure by the court of appeals in New Orleans, while a business giving technical advice on the site for a water-intake facility in a larger community was judged a private figure.³⁰

The courts have tended to declare businesses public figures because they actively seek customers through advertising. In Economy Carpets v. Better Business Bureau in 1979, the U.S. Supreme Court let stand a ruling by a Louisiana court of appeals that found a retail firm doing extensive advertising is a public figure. The court said that the BBB had the privilege of making fair comments about Economy's methods and that the carpet firm was involved in matters of public interest.³¹

Another court of appeals ruled that a company president who actively sought attention for his consumer cooperative was a public figure in his libel suit against Supermarket News. Eric Waldbaum, president and chief executive officer of Greenbelt Consumer Services Inc., sued the trade journal for comments regarding his firing. The appeals court in Washington, D.C., ruled in 1979 that Waldbaum's activities "extended beyond those of a profit-maximizing manager of a single firm"³² and that he was a limited public figure.

Going above and beyond one's ordinary duties was the key in not only Waldbaum's case but also two cases involving attorneys. Two separate courts ruled that attorneys involved with the public outside of routine representation

are public figures. Simply being an attorney does not warrant public figure status.

In Weingarten v. Block, a California state appeals court ruled that a former city attorney was a public official and a public figure. In 1971 the Monterey Peninsula Herald ran a series of articles detailing Saul M. Weingarten's dismissal as city attorney in Seaside, Calif. In 1980 the appeals court declared the former official was a public official and public figure because of his many government positions and his leading role in local public affairs.³³

Similarly, a former law school dean was found to be a public figure in his suit against an accreditation consultant. The Philadelphia court of appeals found that Alfred Avins' drive to accredit the Delaware School of Law, which he founded in 1971, was a public controversy because Avins had voluntarily injected himself into it.³⁴

III. PRIVATE PERSONS

The Gertz case provided that state laws should be the basis for private libel suits and media defenses, rather than the First Amendment. The U.S. Supreme Court said, "Society's stake in getting news reports of private people is not high enough to warrant giving the ultimate protection of the First Amendment to media in libel suits."³⁵

Private individuals are put to a much less rigorous test in libel suits -- simple negligence. Supreme Court

Justice William Powell said in the Gertz decision that the law "requires that such persons be held to less demanding proof of fault by the offending news medium -- only 'negligence,' rather than the stern actual malice."³⁶ Private persons are at a disadvantage compared with public persons when they are defamed. They lack access to the media for rebuttal and are "therefore more vulnerable to injury."³⁷

The determining factor is whether an individual "voluntarily thrusts himself into the 'vortex' of a public controversy in order to influence the outcome of a controversy."³⁸ Mrs. Firestone did not try to influence public opinion. Wolston was involuntarily dragged into the limelight by the media. Hutchinson was not publicizing his work. Attorney Gertz was not concerned with the major controversy of his case. Therefore, they were all private individuals.

The media cannot make someone a public person. In Tromon v. Wood, a newspaper reported Mary Tromon's house was a gang headquarters. She sued and was ruled a private person because she had not thrust herself into the public eye. The Washington Supreme Court said, "'When chance and the news media bring a private citizen into the public eye,' the right to redress for defamation is not diminished so long as the notoriety was not to the citizen's choosing."³⁹

While being disciplined by the Iowa State Bar Association and the Iowa Supreme Court for practicing law while

on probation, attorney Paul Littlefield filed a libel suit against an erroneous story about the proceedings. The lower court declared him a public figure because he had blatantly violated his probation. An appeals court overturned the decision, saying, "The public's interest should not be considered in making the public figure/private individual determination ... the status of the person allegedly defamed is the controlling factor."⁴⁰

CBS-TV's "60 Minutes" interviewed Barbara Goldstein, who claimed that she had suffered bizarre effects and that her baby was born with defects after the prescription of amphetamines by a Dr. Greenberg. When the doctor sued for defamation, CBS claimed Greenberg had "thrust himself into controversy surrounding amphetamines by prescribing 'amphetamine-type drugs.'"⁴¹ The New York Supreme Court disagreed, saying "the act of prescribing ... cannot be deemed significant participation in a nationwide controversy."⁴²

A new trend is that more and more businesses are being ruled private. In Vegod Corp. v. ABC, the California Supreme Court ruled a retail firm was private after a local newspaper criticized its goods. The court said "a person in the business world advertising his wares does not necessarily become part of an existing public controversy."⁴³

In Arctic Co. Ltd. v. Loudoun Times-Mirror, a district court dismissed the case but declared the archeo-

logical consulting firm a public official because of its involvement in a local water project. But an appeals court said the firm fit neither the public official nor public figure category was was therefore private.

In 1975 Penthouse magazine said that Rancho La Costa, an expensive California resort, "was established and is frequented by mobsters."⁴⁴ When Rancho La Costa sued, Penthouse wanted the resort declared a public figure. The California state court agreed. But the appeals court reversed the decision, saying "'merely because a corporation sells services to the public ... and has access to the media to advertise its services' does not mean that the corporation or its owners are public figures."⁴⁵ This contrasts earlier rulings that found a business cannot be private because it has relatively unlimited access to the media.

CONCLUSION

The U.S. Supreme Court's rulings on public officials, public figures and private persons through Times and Gertz have been a blessing and a curse to the media. The public official/figure classifications have expanded First Amendment freedoms by allowing comment on a wide range of public activities without the chilling effect of numerous libel suits. At the same time, private persons have also gained considerable protection. The media have learned the hard way that the presence of a public issue and extensive coverage do not necessarily make one a public figure.

In the area of public officials, the courts have been generous to the media by recognizing the importance of free and open debate to inform the public. Accordingly, the courts have interpreted this category to include past and current officials on federal, state, and local levels. Erroneous statements, as in the New York Times ad, and caustic criticism of official conduct have been tolerated by the courts. As long as the comment concerns official duties and the ability to hold public office, public officials are supposed to be tough enough to withstand criticism.

The public figure criteria outlined in Gertz also expanded the First Amendment by recognizing that many persons wield just as much influence in society as do elected or appointed officials. But the media have learned to use restraint when dealing with figures who appear to be public figures but are not. To be considered

as such, a person must voluntarily and purposefully attempt to resolve a public controversy; his actions, not the issue, are the key. Many media commentators have looked at this ruling with alarm. They feel that limiting the media when official proceedings and government money are involved curtails the gains made in the Times decision because of their public nature. But in narrowing the public limited-figure dicta, the courts have sought to protect those who have not voluntarily stepped into the public spotlight. The rights of individuals have been carefully weighed by the courts against those of the media. This balancing act is responsible for many of the seemingly contradictory lower court rulings in libel law.

In the area of business, one court ruled that a business was a public figure because of its extensive advertising, while another court decided that advertising alone does not make one a public figure. Businessmen, lawyers, and consultants can become public figures if they are seen to act beyond their ordinary duties.

As this potpourri of rulings shows, generalizations about public/private figures are possible but not always practical. There are no hard and fast rules. Journalists must look carefully at a person's conduct as outlined in Times and Gertz. As libel law continues to mature, the day may come when clearly deciding a person's status will not be like nailing a jellyfish to the wall.

NOTES

¹Robert H. Phelps and E. Douglas Hamilton, Libel-- Rights, Risks, Responsibilities, (New York: MacMillan Co., 1966), p. 173.

²Harold L. Nelson and Dwight L. Teeter Jr., Law of Mass Communications: Freedom and Control of Print and Broadcast Media, 4th Volume (Mineola, N.Y.: The Foundation Press Inc., 1982), p. 99.

³The New York Times v. Sullivan, 376 U.S. 254, (1964).

⁴Coleman v. MacLennan, 78 Kan. at 724, 98 P. at 286 (1908).

⁵FOI Digest 13 (March/April 1971): 3.

⁶Rosenblatt v. Baer, 383 U.S. 75, 86 S. Ct. 669 (1966).

⁷Phelps, p. 178.

⁸Nelson, pp. 100-101.

⁹Ibid., p. 101.

¹⁰The News Media and the Law Press Law Round-Up, (March/April 1980), p. 55.

¹¹Rosanova v. Playboy Enterprises Inc., 411 F. Supp. 440, 443 (S.D. Ga. 1976).

¹²Pauling v. Globe-Democrat Publishing Co., 362 F. 2nd 188, 195-196 (8th Cir. 1966).

¹³Curtis Publishing Co. v. Butts, Associated Press v. Walker, 388 U.S. 130 (1967).

¹⁴Ibid., p. 155.

¹⁵Rosenbloom v. Metromedia Inc., 403 U.S. 29, 91 S. Ct. 1824 (1971).

¹⁶Nelson, p. 109.

¹⁷Gertz v. Robert Welch Inc., 418 U.S. 323, 94 S. Ct. 2997 (1974).

¹⁸Ibid., p. 3013.

¹⁹Steere v. Cupp, 226 Kan. 556, 602 P. 2d. 1267 (1979), 5 Med. L. Rptr., 2046.

²⁰Ibid., p. 1276.

²¹"Constitutional Law and Defamation -- Kansas Application of 'Public Figure' Classification Found in Gertz" Kansas Law Review, Vol. 28 (Summer 1980), p. 656.

²²Firestone v. Time Inc., 305 So. 2d 172 (1974).

²³Wolston v. Reader's Digest Association, 443 U.S. 157, 99 S. Ct. 2701 (1979).

²⁴Ibid., 443 U.S. at 170.

²⁵Hill v. Hayes, 18 App. Div. 2d 485 (1963) at 489.

²⁶Mills v. Kingsport Times-News, 475 F. Supp. 1005 CD.C. W. Dist. Va. (1979) 5 Med. L. Rptr. 2288.

²⁷Gordon L. Young, "Constitutional Law -- The Supreme Court Places Further Limitations on Designations as a 'Public Figure' in Libel Actions," BYU Law Review, Vol. 2 (1980) p. 469.

²⁸Hutchinson v. Proxmire, 443 U.S. 111, 134.

²⁹The News Media and the Law, (March/April 1980), p. 57.

³⁰Ibid., (February/March 1981), p. 14.

³¹Ibid., (March/April 1981), p. 54.

³²Ibid., (October/November 1980), p. 39.

³³Ibid., (February/March 1981), p. 17.

³⁴Ibid., p. 23.

³⁵Nelson, p. 137.

³⁶Ibid., pp. 110-1.

³⁷Ibid., p. 111.

³⁸Ibid., p. 138.

³⁹Tromon v. Wood, 62 Ill. 2d 184, 34 N.E. 2d 292 (1975).

⁴⁰Littlefield v. Ft. Dodge Messenger, 614 F. 2d 581, 584 (8th Cir. 1980), certiorari denied 445 U.S. 945, 100 S. Ct. 1342, 5 Med. L. Rptr, 2325.

⁴¹Nelson, p. 140.

⁴²Greenberg v. CBS et. al., 69 A.D. 2d 419 N.Y. S.
2d 988 (1979), 5 Med L. Rptr. 1470-3.

⁴³Vegod Corp. v. ABC, 25 Cal. 3d (1980).

⁴⁴The News Media and the Law, Vol. 5, No. 1, (February/
March 1981), p. 14.

⁴⁵Ibid., p. 16.

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